

Special Revenue Funds - Consolidated

DESCRIPTION OF MAJOR SERVICES

Real Estate Fraud Prosecution

On January 23, 1996, the Board of Supervisors (Board) adopted Resolution 96-14 to allow the County to collect, pursuant to Government Code 27388, a \$2 fee upon recording documents. On December 9, 2008, the Board adopted Resolution 2008-311 authorizing an increase of this fee from \$2.00 to \$3.00. This fee is used to fund a Real Estate Fraud Prosecution Unit that investigates and prosecutes real estate fraud crimes in the county. In this county, the District Attorney not only prosecutes, but also investigates all real estate fraud cases. Revenue is transferred to the District Attorney's Criminal Prosecution budget unit to primarily offset the cost of staff assigned to real estate fraud prosecution.

Budget at a Glance

Total Expenditure Authority	\$9,642,856
Total Sources	\$5,642,408
Fund Balance	\$4,000,448
Total Staff	0

Auto Insurance Fraud Prosecution

Insurance fraud is a particular problem for automobile policyholders. It contributes substantially to the highest cost of automobile insurance with particular significance in urban areas. Prevention of automobile insurance fraud can significantly reduce insurance claim payments and may therefore produce a commensurate reduction in automobile insurance premiums. Under direction of the Insurance Commissioner, the California Department of Insurance makes funds available, as authorized by Section 18971 of the California Insurance Code, to the District Attorney's Office for investigation and prosecution of automobile insurance fraud. Revenue is transferred to the District Attorney's Criminal Prosecution budget unit to primarily offset the cost of staff assigned to auto insurance fraud prosecution.

Workers' Compensation Insurance Fraud Prosecution

The Department of Insurance, pursuant to Section 1871.83 of the California Insurance code, distributes funds to the District Attorney's Office for the investigation and prosecution of workers' compensation insurance fraud. These assessed funds represent a percentage of the total premiums collected by workers' compensation insurance companies and are distributed to investigate and prosecute workers' compensation fraud claims or claims relating to the willful failure to secure the payment of workers' compensation. Of all money collected by the state, 56% is retained by the state for fraud investigation and 44% is distributed statewide to District Attorney Offices through a grant program. These funds are administered through this budget unit. The insurance grant revenue is transferred to the District Attorney's Criminal Prosecution budget unit primarily to offset the cost of staff assigned to the Workers' Compensation Insurance Fraud Prosecution unit.

Specialized Prosecutions

The District Attorney's Specialized Prosecutions Unit was established in 1990-01 with funding from various fines and forfeitures to prosecute crimes such as hazardous waste dumping, consumer fraud and violations of Cal/OSHA laws. Revenue is transferred to the District Attorney's Criminal Prosecution budget unit to primarily offset the cost of staff associated with the Specialized Prosecution.

Vehicle Fees – Auto Theft

In May of 1995, the San Bernardino County Board of Supervisors adopted a resolution, pursuant to Vehicle Code 9250.14 to impose a \$1.00 fee on each San Bernardino County new and renewal vehicle registration. The revenue from this fee is used to enhance the capacity of local law enforcement and prosecutors to deter, investigate and prosecute vehicle theft crimes. This budget unit receives the District Attorney's share of the registration assessment on vehicles registered in San Bernardino County. Revenue is transferred to the District Attorney's Criminal Prosecution budget unit to primarily offset the costs of prosecuting and investigating automobile theft crimes.



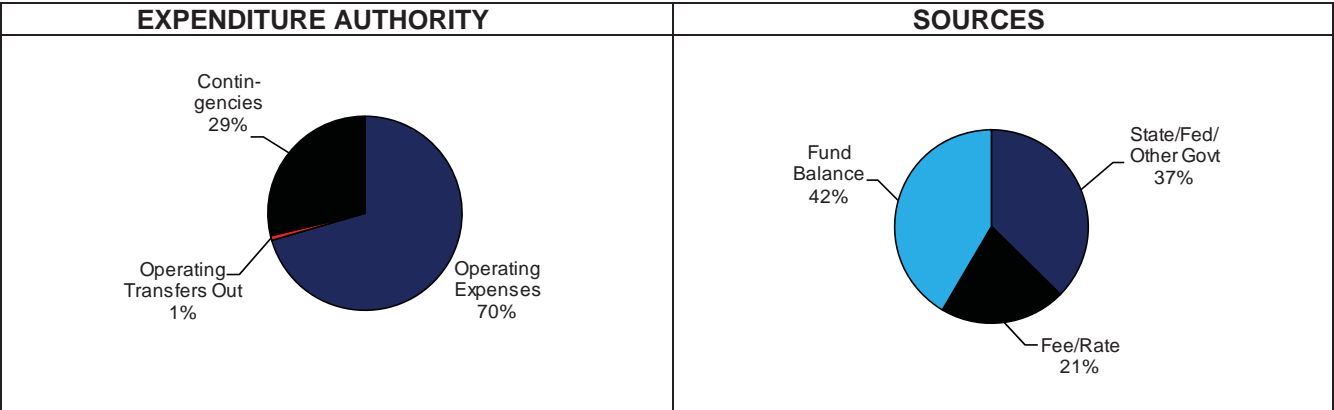
State Asset Forfeitures

The goal of asset forfeiture is to remove the profits from those who benefit from illegal activities. While seizures and arrests present a temporary setback for criminals, asset forfeiture is effective in permanently removing the proceeds from the criminal while diminishing their ability to continue the illegal enterprise. The law permits law enforcement agencies to use the proceeds of forfeiture to offset public safety expenses. Thus, law enforcement is able to convert criminal profits into supplemental funding to inhibit illegal activities. This budget unit receives the District Attorney’s share of state asset forfeiture funds. There is no staffing associated with this budget unit. Revenue is transferred to the District Attorney’s Criminal Prosecution budget unit to help offset the costs of processing asset forfeiture cases.

Federal Asset Forfeitures

In 1984, Congress enacted the comprehensive Crime Control Act that gave federal prosecutors new forfeiture provisions to combat crime. Also created by this legislation was the Department of Justice Assets Forfeiture Fund. The proceeds from the sale of forfeited assets such as real property, vehicles, business, financial instruments, vessels, aircraft and jewelry are deposited into this fund and are subsequently used to further law enforcement initiatives. Under the Equitable Sharing Program, proceeds from sales are often shared with the state and local enforcement agencies that participated in the investigation, which led to the seizure of the assets. This important program enhances law enforcement cooperation between state/local agencies and federal agencies. This budget unit accounts for the share of federal asset forfeitures processed by the District Attorney’s Asset Forfeitures unit. The U.S. Department of Justice sets forth the terms by which law enforcement may use these funds. These funds are transferred to the District Attorney’s Criminal Prosecution budget unit to assist with the Asset Forfeitures unit’s operating expenses and other public safety expenses according to the guidelines set forth by the U.S. Department of Justice.

2012-13 RECOMMENDED BUDGET



ANALYSIS OF 2012-13 RECOMMENDED BUDGET

GROUP: Law and Justice
 DEPARTMENT: District Attorney
 FUND: Special Revenue Funds - Consolidated

BUDGET UNIT: Various
 FUNCTION: Public Protection
 ACTIVITY: Judicial

	2008-09 Actual	2009-10 Actual	2010-11 Actual	2011-12 Estimate	2011-12 Modified Budget	2012-13 Recommended Budget	Change From 2011-12 Modified Budget
Appropriation							
Staffing Expenses	0	0	0	0	0	0	0
Operating Expenses	0	0	6,836,889	6,268,577	6,923,017	6,797,073	(125,944)
Capital Expenditures	0	0	0	0	0	0	0
Contingencies	0	0	0	0	3,521,305	2,770,783	(750,522)
Total Exp Authority	0	0	6,836,889	6,268,577	10,444,322	9,567,856	(876,466)
Reimbursements	0	0	0	0	0	0	0
Total Appropriation	0	0	6,836,889	6,268,577	10,444,322	9,567,856	(876,466)
Operating Transfers Out	7,448,652	7,230,722	(1,071)	75,000	75,000	75,000	0
Total Requirements	7,448,652	7,230,722	6,835,818	6,343,577	10,519,322	9,642,856	(876,466)
Departmental Revenue							
Taxes	0	0	0	0	0	0	0
Realignment	0	0	0	0	0	0	0
State, Fed or Gov't Aid	2,322,572	3,803,976	3,623,978	3,610,908	3,626,109	3,600,908	(25,201)
Fee/Rate	3,889,140	5,556,513	2,212,049	1,985,000	2,134,785	2,030,000	(104,785)
Other Revenue	27,285	31,452	41,522	13,389	23,700	11,500	(12,200)
Total Revenue	6,238,997	9,391,941	5,877,549	5,609,297	5,784,594	5,642,408	(142,186)
Operating Transfers In	0	0	0	780,606	780,606	0	(780,606)
Total Financing Sources	6,238,997	9,391,941	5,877,549	6,389,903	6,565,200	5,642,408	(922,792)
Fund Balance					3,954,122	4,000,448	46,326
Budgeted Staffing					0	0	0

BUDGET CHANGES AND OPERATIONAL IMPACT

Appropriation is decreasing by \$876,466 primarily due to less financing available for costs related to real estate fraud prosecution, specialized prosecutions, and the asset forfeiture unit. Departmental revenue is decreasing by \$922,792 mostly because of a one-time operating transfer received from the county general fund in 2011-12 to augment the department's ability to reduce the backlog of real estate fraud cases.

DETAIL OF 2012-13 RECOMMENDED BUDGET

	2012-13			
	Appropriation	Revenue	Fund Balance	Staffing *
Special Revenue Funds				
Real Estate Fraud Prosecution (REB)	1,450,699	720,000	730,699	6
Auto Insurance Fraud Prosecution (RIP)	729,177	637,495	91,682	4
Workers' Comp Insurance Fraud (ROB)	2,613,808	2,173,413	440,395	13
Specialized Prosecutions (SBI)	3,106,103	909,000	2,197,103	7
Vehicle Fees - Auto Theft (SDM)	800,199	790,000	10,199	5
State Asset Forfeitures (SBH)	185,088	160,000	25,088	0
Federal Asset Forfeitures (SDN)	757,782	252,500	505,282	0
Total Special Revenue Funds	9,642,856	5,642,408	4,000,448	35

* Staffing costs for these Special Revenue Funds are located within the District Attorney's General Fund budget unit. However, the funding for these positions is located within these special revenue funds.



Real Estate Fraud Prosecution: Appropriation of \$1,450,699 includes transfers to the department's Criminal Prosecution budget unit for the cost of staff assigned to real estate fraud prosecution (\$974,028), amount set aside in contingencies for future allocation (\$476,629), and COWCAP charges (\$42). Revenue of \$720,000 represents the amount anticipated from the \$3.00 fee collected on recording documents for real estate fraud prosecution.

Auto Insurance Fraud Prosecution: Appropriation of \$729,177 includes transfers to the department's Criminal Prosecution budget unit for the cost of staff assigned to auto insurance fraud prosecution (\$671,062), amount set aside in contingencies for future allocation (\$58,067), and COWCAP charges (\$48). Revenue of \$637,495 represents projected grant funds from the California Department of Insurance.

Workers' Compensation Insurance Fraud Prosecution: Appropriation of \$2,613,808 includes transfers to the department's Criminal Prosecution budget unit for the cost of staff assigned to workers' compensation insurance fraud prosecution (\$2,346,596), amount set aside in contingencies for future allocation (\$267,171), and COWCAP charges (\$41). Revenue of \$2,173,413 reflects projected grant funds from the California Department of Insurance.

Specialized Prosecutions: Appropriation of \$3,106,103 includes transfers to the department's Criminal Prosecution budget unit for staffing and other costs related to specialized prosecutions (\$1,474,317), amount set aside in contingencies for future allocation (\$1,556,623), operating transfers to County Fire for the cost of one half-time Hazardous Materials Specialist (\$75,000), and COWCAP charges (\$163). Revenue of \$909,000 reflects the department's estimate of case settlements anticipated in 2012-13 (\$900,000) and interest earnings (\$9,000).

Vehicle Fees – Auto Theft: Appropriation of \$800,199 includes transfers to the department's Criminal Prosecution budget unit for costs associated with prosecuting and investigating automobile theft crimes (\$790,000), amount set aside in contingencies for future allocation (\$10,145), and COWCAP charges (\$54). Revenue of \$790,000 represents new and renewal registration assessment on vehicles registered in San Bernardino County.

State Asset Forfeitures: Appropriation of \$185,088 includes transfers to the department's Criminal Prosecution budget unit to help offset the costs of processing asset forfeiture cases (\$150,000), amount set aside in contingencies for future allocation (\$34,883), and COWCAP charges (\$205). Revenue of \$160,000 reflects the anticipated proceeds from asset forfeitures.

Federal Asset Forfeitures: Appropriation of \$757,782 includes transfers to the department's Criminal Prosecution budget unit to assist with operating expenses of the Asset Forfeiture Unit (\$390,380), amount set aside in contingencies for future allocation (\$367,265), and COWCAP charges (\$137). Revenue of \$252,500 represents proceeds from federal asset forfeiture funds (\$250,000) and interest earnings (\$2,500).

